

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **EXAMINER INTERVIEW ACKNOWLEDGED AND STATEMENT OF SUBSTANCE**

This paper is responsive to the examiner interview conducted January 25, 2010, by and between (as indicated on the Interview Summary document) Examiner Peter Anthony Pappas and attorney Paul J. Skwierawski, in the present application. It is respectfully submitted that the statement(s) regarding the "Substance of Interview", and all other information, as set forth within the Interview Summary document is accurate and is herein adopted by Applicant. Further, the Examiner indicated during the telephone interview that the 112, 1<sup>st</sup> para. rejection had been overcome, and upon the Examiner attempting a Notice of Allowance, quality review (QR) personnel within the USPTO made further requirements that corrected claims having proper bracketing and underlining as required in reissue applications be submitted, and also a Supplemental Declaration indicating that all errors corrected throughout prosecution were without deceptive intent be submitted.

### **PENDING CLAIMS**

Claims 1-10, 12-18 and 20-26 were pending, under consideration and subjected to examination in the Office Action. The presently-submitted claims are just corrected claims including proper bracketing and underlining required within a reissue Application. At entry of this paper, Claims 1-10, 12-18 and 20-26 will be pending for further consideration and examination in the application.

### **SUPPLEMENTAL REISSUE OATH/DECLARATION- DEFERRED**

The reissue oath/declaration has been unofficially objected to, and a Supplemental Declaration (directed to all errors being without deceptive intention) was unofficially requested, within the aforementioned examiner interview. Rather than obtaining and filing a supplemental reissue oath/declaration concurrently with this paper, and then possibly having to subsequently obtain/file another supplemental reissue oath/declaration in view of the claim amendments within this paper, a Supplemental Declaration is instead being prepared immediately after submission of this paper and will be filed shortly. That is, Applicant purposefully is having a Reissue Oath/Declaration executed subsequent to submission of this present Amendment, so that such Reissue Oath/Declaration can be comprehensive to cover amendments submitted (i.e., errors corrected) with this present Amendment, and **obviate any need for another supplemental Reissue Oath/Declaration**. If the Reissue Oath/Declaration becomes the only issue barring allowance of the application, the Examiner is asked to please refrain from issuing another action, and instead is invited to call the undersigned at the local Washington, D.C. telephone

number of 703-312-6600 to provoke accelerated filing of such document to move the application to allowance.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

## **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

It is assumed that a finality of the July 28, 2009, Office Action is withdrawn in view of the Examiner's indication that the 112, 1<sup>st</sup> para. rejection was overcome and that he attempted moving the application to allowance. However, in the event that finality is not withdrawn, then this paper should be taken as a "submission" and this section should be taken as a request for the filing of a conditional RCE, to avoid abandonment of the application. That is, MPEP 706.07(h)(III)(C) states, "C. Treatment of Conditional RCE, If a submission is accompanied by a "conditional" RCE and payment of the RCE fee under 37 CFR 1.17(e) (i.e., an authorization to charge the 37 CFR 1.17(e) fee to a deposit account in the event that the submission would not otherwise be entered), the Office will treat the "conditional" RCE and payment as if an RCE and payment of the fee set forth in 37 CFR 1.17(e) had been filed." To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Finally, authorization is herein given to charge any shortage in the fees, including extension of time fees, excess claim fees and fee for the conditional RCE, to Deposit Account No. 01-2135 (Case No. 500.30789R00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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